



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 PEARL STREET, SUITE 20-100
NEW YORK, NY 10004-2616

August 3, 2022

VIA ECF

The Honorable J. Paul Oetken
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2101
New York, NY 10007

Re: SEC v. Hwang, et al., No. 22 Civ. 3402 (JPO) (S.D.N.Y.)

Dear Judge Oetken:

Pursuant to Federal Rule of Civil Procedure 15(a)(2), and the Court's July 6, 2022 Order (DE 43), Plaintiff Securities and Exchange Commission ("SEC") respectfully notifies the Court that, on written consent of Defendants Sung Kook (Bill) Hwang, Patrick Halligan, and Archegos Capital Management, LP (collectively, "Defendants"), the SEC will file its Amended Complaint in this case on or before August 26, 2022. On July 15, 2022, the Commission notified the Court and parties that it would file its Amended Complaint by August 5, 2022. That same day, the Second Circuit issued *SEC v. Rio Tinto*, No. 21-2042, 2022 WL 2760323 (2d Cir. July 15, 2022), which addresses the parameters of certain "misstatement" and "scheme" liability claims under Section 10(b) of the Securities Exchange Act of 1934 and Section 17(a) of the Securities Act of 1933. The SEC needs the additional time to consider its pleadings in light of the *Rio Tinto* decision.

Defendants yesterday consented in writing to the SEC's requested extension, provided that the SEC continues to consent to Defendants having up to sixty days to respond to the SEC's Amended Complaint. The SEC likewise continues to consent to Defendants' request.

Respectfully submitted,

/s/ Jack Kaufman

Jack Kaufman
Trial Counsel
SEC Division of Enforcement

cc: By ECF to all counsel of record.
By email to Jason Brown, Esq. and Helen Cantwell, Esq.